

Amendment No. 1 to HB0326

Fowlkes
Signature of Sponsor

AMEND Senate Bill No. 212*

House Bill No. 326

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 7, is amended by adding the following as a new section thereto:

§ 63-6-708.

(a) No person who is licensed, certified or authorized by the board of any of the professions of healing arts, as enumerated in this title, and who renders, at any site, any health care services within the limits of his or her license, certification or authorization, voluntarily and without compensation, to any sponsoring organization within the meaning of this part, (or to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge), shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of his or her gross negligence or willful misconduct. The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any nature, from anyone for his or her free care. Nor shall such services be part of the provider's training or assignment. The volunteer licensee must be acting within the scope of such license, certification or authority. No health care licensee providing free health care may engage in activities at a clinic which the clinic itself is not authorized to perform by the appropriate authorities and must be in compliance with all applicable rules and regulations. Nor may the clinic or sponsoring organization charge for or receive any compensation in any form for services performed at the clinic.

(b) For purposes of this section, any commissioned or contract medical officer or dentist serving on active duty in the United States Armed Forces and

assigned to duty as a practicing, commissioned, or contract medical officer or dentist at any military hospital or medical facility owned and operated by the United States Government shall be deemed to be licensed pursuant to this part.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Senate Judiciary Committee Amendment No. 1 confers immunity from civil damages upon a person licensed in the healing arts for ordinary negligence for rendering health care services at or for a clinic established to provide health care services at no charge. This immunity would not apply unless the services are rendered voluntarily and completely without compensation or benefit and would not cover gross negligence or willful misconduct. A medical officer or dentist serving on active duty in the Armed Forces would also be included in this provision.